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SUBJECT: MONUC GOMA HUMAN RIGHTS CHIEF SEES INCREASING
VIOLATIONS IN NORTH KIVU

REF: A. KINSHASA 65

1B. KINSHASA 896

11. (SBU) Summary. MONUC-Goma Human Rights Chief Jairo Sanchez evaluated the major human rights issues in North Kivu as the so-called "mixed" brigades of the Congolese military, judicial impunity, and sexual violence. End summary.

12. (SBU) Violations by elements of the Congolese army's mixed brigades (combined units of renegade General Laurent Nkunda and other unintegrated FARDC forces), judicial impunity, and sexual violence are the most serious human rights problems in North Kivu, MONUC-Goma Human Rights chief Jairo Sanchez told Poloff and visiting DRL Off June 29. He said MONUC-Goma has registered 723 cases of confirmed serious human rights violations in the province since 2003.

Mixed Brigades

13. (SBU) Sanchez told us soldiers in the FARDC mixed brigades are the number one human rights issue in North Kivu and have been since the brigades were formed. (Note: These brigades began forming in late January following a deal reached with dissident general Laurent Nkunda (ref A). End note.) He asserted the civilian population does not trust the mixed brigades because many of their members are known human rights violators. Sanchez said he was told at a meeting of human rights NGOs June 28 about dozens of violations perpetrated by members of the mixed brigades. The most serious recent incident took place in Masisi on April 129. Five Charlie Brigade soldiers killed four civilians, including two students, in Kibati. The local population attacked the soldiers, killing one and wounding another. The surviving soldiers were arrested and sent to Goma, but the brigade commander set one free.

14. (SBU) Sanchez said the troops with the worst record belong to Bravo Brigade. He claimed many soldiers in Bravo are resistant to integrating with the FARDC and are often out of the control of the 8th Military Region chain of command. In Rutshuru Territory, where Bravo is based, the human rights situation has deteriorated significantly since the beginning of the year.

15. (SBU) Bravo's presence contributes to the degrading situation in two ways. First, some Bravo soldiers have attacked civilians, accusing them of collaborating with the FDLR, who live in close proximity. For example, earlier this year some Bravo soldiers allegedly killed five banana beer

brewers in Nyabanira, one kilometer from a Bravo camp. The Bravo troops accused the brewers of collaborating with the FDLR, who are the primary consumers of their beer. On March 9 and 10, other Bravo soldiers also summarily executed at least 15 people in Buramba, Rutshuru Territory for alleged collaboration with the FDLR. Second, Bravo elements have attacked the FDLR, causing FDLR elements to flee into the forest, leading to depredations on the population and massive displacements. Some villages have been empty due to FDLR attacks since January.

Judicial Impunity

¶6. (SBU) Sanchez provided multiple examples of rampant judicial impunity for human rights violations by soldiers. He told us not one soldier of colonel rank or higher had been held accountable for any crime since May 2005. He asserted there are 17 serious cases of crimes against humanity in the province, dating from 2004 to present, in which prosecution has been blocked by interference by military authorities in Kinshasa. He gave several examples, including a colonel sentenced to life who resides openly in North Kivu and a lieutenant sentenced to 30 years who was later set free. A Colonel Mayanga was accused of torturing the director of Virunga National Park in 2005. Sanchez said the commander of the 9th MR at the time promised Mayanga would be transferred to a military court, but he was instead promoted to general and given a command in Kinshasa. (Note: Mayanga is also accused of collaborating with the FDLR. End note.)

Sexual Violence

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¶7. (SBU) Sanchez said the third major human rights problem in North Kivu is sexual violence and its underreporting. Unlike in South Kivu (ref B), the FDLR is not the major perpetrators of rape in North Kivu. Instead, the FARDC, including mixed brigades, integrated brigades, or non-integrated brigades, are the major violators. (Note: Sanchez also noted a steady rise in sexual violence perpetrated by civilians. End note.)

¶8. (SBU) Sanchez said a major obstacle to justice for sexual violence victims was in fact humanitarian NGOs which refuse to share information with human rights investigators. He said many NGOs do not encourage rape victims to file complaints or to speak with investigators. Sanchez noted that if someone showed up at a public or private hospital wounded, a police report would have to be filed. However, there is no such reporting requirement for rape, making statistical and judicial work extremely difficult. He said MONUC is working to get such a requirement established. MONUC is also working with the ministries of health and justice to create a diagnostic tool for rape to be used throughout the country.

Other Human Rights Violations

¶9. (SBU) Sanchez cited three additional common human rights violations in the province: arbitrary arrest, torture, and illegal taxation. Arbitrary arrest is common, and the authorities usually extract USD 1 or 2 for release. He said at least 62 cases of torture by police and militias had been reported in the last year alone. Illegal taxes, barriers, and traffic costs are widespread, and police often demand 50 francs from each vehicle they see.

Comment

¶10. (SBU) North Kivu civilians continue to face a triumvirate of human rights issues: violations by the FARDC, judicial impunity, and widespread sexual violence. The creation of the mixed brigades has exacerbated the existing insecurity. Unfortunately, in the current political environment in the province, there appears to be neither the political will nor the military capability to hold violators responsible for their crimes. End comment.

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